

**IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**SCOTT SULLIVAN,
FRANK DELLACROCE,
ST. CHARLES SURGICAL HOS-
PITAL, L.L.C.,
ST. CHARLES HOLDINGS,
L.L.C., CENTER FOR RESTOR-
ATIVE BREAST SURGERY, LLC,
SIGMA DELTA BILLING, LLC,
CERBERUS INSURANCE CORP.,
JANUS INSURANCE CORP., AND
ORION INSURANCE CORP.,**

Plaintiffs,

VS.

**STEWART A. FELDMAN,
THE FELDMAN LAW FIRM LLP,
CAPSTONE ASSOCIATED
SERVICES (WYOMING), LIM-
ITED PARTNERSHIP,
CAPSTONE ASSOCIATED SER-
VICES, LTD., JEFF CARLSON,
and CAPSTONE INSURANCE
MANAGEMENT, LTD.,**

Defendants.

No. _____

NOTICE OF REMOVAL

COMES NOW, Defendant **Capstone Associated Services (Wyoming), Limited Partnership** ("Capstone") and files this its Notice of Removal and in connection therewith, would respectfully represent as follows:

Jurisdiction

1. This Court has jurisdiction pursuant to 28 U.S.C. §1332(a)(1), in that the amount in controversy exceeds \$75,000.00, exclusive of interest and costs, and the controversy involves citizens of different states.

Venue

2. Venue is proper in this District pursuant to 28 U.S.C. §1446(a).

Removal

3. Removal is proper under 28 U.S.C. §1332(a)(1) and 28 U.S.C. §1441(a)- (b) on the basis of diversity of citizenship of the parties.

4. Plaintiffs Scott Sullivan, Frank DellaCroce, St. Charles Surgical Hospital, LLC, St. Charles Holdings, LLC, Center for Restorative Breast Surgery, LLC and Sigma Delta Billing, LLC are all citizens of the State of Louisiana. Plaintiffs Cerberus Insurance Corp., Janus Insurance Corp. and Orion Insurance Corp. are citizens of the State of Delaware. Lastly, Plaintiffs' former legal counsel has advised that none of the members of any of the Plaintiff LLC's are citizens of the state of Texas. All members of the Plaintiff LLC's are citizens of Louisiana.

5. Defendant Capstone Associated Services (Wyoming), Limited Partnership is a citizen of the State of Wyoming.

6. None of the Defendants are citizens of the States of Louisiana or Delaware.

7. Plaintiffs have alleged in their Original Petition causes of action that surpass the minimum jurisdiction of the court. Such includes declaratory relief related to the agreements between the parties. In actions seeking declaratory or injunctive relief, the amount in controversy is measured by the value of the object of the litigation. *Hunt v. Washington State Apple Advertising Comm'n*, 432 U.S. 333, 97 S.Ct. 2434 (1977). The amount in controversy exceeds \$75,000, exclusive of interest and costs.

8. Further, at paragraph 2 of their Original Petition, Plaintiffs specifically assert that they seek damages in excess \$1,000,000.

9. Attached hereto as Exhibit "A" and incorporated herein by reference is a true and correct copy of all process, pleadings and orders provided Capstone in connection with the action being removed, to wit: Case No. 2020-36407, styled *Scott Sullivan, et al. v. Capstone Associated Services (Wyoming), Limited Partnership, et al.* pending in the 189th District Court of Harris County, Texas. This is a lawsuit seeking damages under multiple causes of action in addition to declaratory relief.

10. Neither Plaintiffs nor Defendants have not demanded a jury in the state court action.

11. The provisions of 28 U.S.C. §1332(a)(1) provide that the district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs and is between citizens of different states. The provisions of 28 U.S.C. §1441 provide that any civil action brought in a State court of

which the district courts of the United States have original jurisdiction may be removed by the defendant to the district court of the United States for the district and division embracing the place where such action is pending. This Notice of Removal demonstrates that this action is properly removable pursuant to federal law.

11. Defendant was provided with a copy of the Original Petition on June 17, 2020 by email. No service has yet been had on any Defendant. This Notice of Removal is being filed within the time required by 28 U.S.C. 1446(b).

Respectfully Submitted,

/s/ L. Andy Paredes
L. Andy Paredes
State Bar No. 00788162
Two Post Oak Central
1980 Post Oak Blvd., Suite 1975
Houston, TX 77056-3877
(713) 850-0550 ■ (713) 600-0066 (fax)
aparedes@rslfundingllc.com

*Attorneys for Capstone Associated Services
(Wyoming), Limited Partnership*

CERTIFICATE OF SERVICE

The undersigned does hereby certify that a true and correct copy of the foregoing Notice of Removal has been served on all parties entitled to notice pursuant to Fed. R. Civ. P. 5 in the manner set forth below on this 25th day of June, 2020:

James M. Garner
Sher Garner Cahill Richter Klein & Hilbert LLC
909 Poydras Street, Suite 2800
New Orleans, Louisiana 70112-4046

Kacy J. Shindler
McDowell Law Group LLP
603 Avondale Street
Houston, Texas 77006

COUNSEL FOR PLAINTIFFS

Joseph F. Greenberg
E. John Gorman
Stewart A. Feldman
THE FELDMAN LAW FIRM LLP
Two Post Oak Central
1980 Post Oak Blvd., Suite 1900
Houston, Texas 77056

**COUNSEL FOR THE FELDMAN LAW FIRM LLP
AND STEWART A. FELDMAN**

/s/ L. Andy Paredes
L. Andy Paredes